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Attorneys For Defendant and
Counterclaim Plaintiff Radiancy, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRIA BEAUTY, INC.,
Plaintiff,

vs.

RADIANCY, INC.,
Defendant.

RADIANCY, INC.,
Counterclaim Plaintiff,
vs.

TRIA BEAUTY, INC.,
Counterclaim Defendant,
and
KIMBERLY KARDASHIAN,
Counterclaim Defendant.

CASE NO. CV-10-5030 (RS) (NJV)

**RADIANCY, INC.'S NOTICE OF
MOTION AND MOTION FOR
PARTIAL SUMMARY JUDGMENT**

FILED CONCURRENTLY WITH:
(1) RADIANCY, INC.'S MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT;
(2) DECLARATION OF ALEXANDER
KAPLAN IN SUPPORT OF RADIANCY'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT;
(3) [PROPOSED] ORDER.

Date: June 7, 2012
Time: 1:30 p.m.
Courtroom: 3

**TO PLAINTIFF-COUNTERCLAIM DEFENDANT AND ITS ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that on June 7, 2012 at 1:30 p.m., or as soon thereafter as this matter may be heard in Courtroom 3 of the United States Courthouse, located at 450 Golden Gate Avenue, San Francisco, CA 94102, defendant-counterclaim plaintiff Radiancy, Inc. (“Radiancy”), by and through its attorneys, Proskauer Rose LLP, will, and hereby does, move this Court for an Order granting partial summary judgment as to certain of Radiancy’s counterclaims against plaintiff-counterclaim defendant TRIA Beauty, Inc. (“TRIA”).

This motion is made pursuant to Federal Rule 56 and Civil Local Rule 7-2, and is brought on the grounds that TRIA’s claims for damages under the Lanham Act and Cal. Bus. & Prof. Code §§ 17200, *et seq.*, and 17500, *et seq.* all fail as a matter of law because there is no genuine issue of material fact that TRIA has not produced any competent evidence of injury, in substance or amount, caused by Radiancy concerning: (a) Radiancy’s alleged false advertising of its hair removal device, the no!no! Hair; (b) Radiancy’s alleged false advertising of its acne treatment device, the no!no! Skin; and (c) Radiancy’s alleged trademark infringement regarding the term “TRIA” in Radiancy’s keyword advertising.

This motion will be based upon this Notice, the attached Memorandum of Points and Authorities and Proposed Order, the Declaration of Alexander Kaplan in Support of the Motion and the exhibits annexed thereto, the Court’s file herein, and such other argument and papers as the Court deems proper.

DATED: April 27, 2012

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By:

/s/ Robert H. Horn
Robert H. Horn

*Attorneys for Defendant and Counterclaim-Plaintiff
Radiancy, Inc.*